

THURSDAY, MARCH 15, 1990

SEVENTY-EIGHTH LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Murray.

The proceedings were opened with prayer by Rev. Roy Fisher, First Baptist Church of Donelson, Donelson, Tennessee.

Representative Ben West, Jr., led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Uasery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

The Speaker announced that Representative Webb was excused due to commitments in Athens, Tennessee.

REPORT OF COMMITTEE ON CALENDAR AND RULES  
March 15, 1990

MR. SPEAKER: Your Calendar and Rules Committee begs leave to report that we have met and set the following bills on the Regular Calendar for Monday, March 19, 1990: House Bill(s) No(s). 2227, 1839, 1694, 2458, 1913, 2392 and 1722.

**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

We further report that we have met and set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 19, 1990: House Bill(s) No(s). 1838, 1760 and 2117.

PHILLIPS, Chairman

**REPORT OF CHIEF ENGROSSING CLERK  
March 14, 1990**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 1778, 1837, 2032, 2147, 2206, 2233, 2242, 2400, 2523, 2599, 2600, 2601, 2602, 2605, 2607 and 2609; and House Joint Resolution(s) No(s). 613, 671, 674, 675, 676 and 679; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**REGULAR CALENDAR**

**\*House Bill No. 1777 -- Boards and Commissions --** Revises certain fees, operations and structures of certain boards, commissions and other governmental entities. Amends TCA, Title 53, Chs. 11, 14; Title 55, Ch. 22; Titles 62, 63; Title 68, Ch. 50.

Further consideration of House Bill No. 1777, previously considered on March 1, 1990, at which time the bill was reset to the calendar for March 15, 1990.

Rep. Scruggs moved that House Bill No. 1777 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Scruggs moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1777 by deleting all the language after the enacting clause and by substituting instead the following:

**SECTION 1.** Tennessee Code Annotated, Section 63-1-114, is amended by deleting the language in subsection (2) in its entirety and substituting therefore the following:

The division may establish a reasonable charge for the directories to defray the cost of producing and distributing the directories.

SECTION 2. Tennessee Code Annotated, Section 68-29-113, is amended by deleting subsection (b) in its entirety and substituting therefore the following:

(b)

(1) A fee, in the form of a check or money order, shall accompany the application. Such fee will be set by the board.

(2) The board shall also set fees for license renewal as required by Tennessee Code Annotated, Section 4-3-1011.

(3) Each license shall be renewed by making application on forms provided by the department and submission of the fee as set by the board.

(4) If the licensee fails or neglects to renew the license by the prescribed time, the license may be restored by paying all registration fees due plus a late monetary penalty and upon finding there are no outstanding violations attributed to the licensee.

Section 3. Tennessee Code Annotated, Section 68-29-132, is amended by deleting the words "as expendable receipts" and adding after the word "chapter" the words "in accordance with Section 4-3-1011".

Section 4. Tennessee Code Annotated, Section 62-19-117, is amended by adding the following as a new subsection (c) and by renumbering the existing subsections accordingly:

(c) Every nonresident auctioneer shall obtain a firm license as provided in Section 62-19-11, and shall maintain an escrow account in this state for all funds belonging to others that come into his possession as a result of an auction sale in Tennessee.

Section 5. Tennessee Code Annotated, Section 62-35-116, is amended by adding at the end of the second sentence of the second thereof the language "or in such amount as set by the commissioner".

Section 6. Tennessee Code Annotated, Section 62-35-119(c), is amended by inserting the following language between "\$25.00" and "and" the words "or in such amount as set by the commissioner".

Section 7. Tennessee Code Annotated, Section 62-35-122, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The fee for timely renewal of a registration card shall be twenty dollars (\$20.00) or in such amount as set by the commissioner. A penalty fee of five dollars (\$5.00) or in such amount as set by the commissioner will be assessed on any renewal application postmarked after the expiration date of the registration card.

Section 8. Tennessee Code Annotated, Section 62-35-126, is amended by deleting in its entirety subsection (f) and substituting instead the following language:

(f) The commissioner shall charge and collect an annual fee of one hundred fifty dollars (\$150.00) or in such other amount as set by the commissioner for certification of a trainer hereunder.

Section 9. Tennessee Code Annotated, Section 62-20-106, is amended by deleting subsection (3) in its entirety and substituting instead the following:

(3) A surety bond executed by the applicant and a surety company authorized to do business in this state, made payable to the State of Tennessee. The amount of this surety bond shall be pro-rated and based on the certified number of employees per collection agency as follows:

(a) 1-4 employees - fifteen thousand dollars (\$15,000);

(b) 5-9 employees - twenty thousand dollars (\$20,000);

(c) 10 or more employees - twenty-five thousand dollars (\$25,000); or

(d) Instead of such bond, a certificate of deposit in the sums as outlined in this subsection which shall be assigned to the board.

(e) Such bond or assignment of certificate of deposit shall be conditioned that the applicant shall faithfully and truly perform all agreements entered into with its clients the net proceeds of all collections in accordance with this chapter.

Section 10. Tennessee Code Annotated, Section 62-20-105, is amended by adding the following new subsection (c)

(c) A licensed collection service maintaining more than one (1) place of business within the state,

shall register each place of business with reference to its specific location, name and purpose upon application for license and upon subsequent renewals of said license. The fees for each location for registration and renewal shall be established by the board.

Section 11. Tennessee Code Annotated, Title 62, Chapter 31, is amended by adding a new Section thereto, as follows:

Section \_\_\_\_\_. The board shall set fees for duplicate licenses, address changes, name changes on licenses, name changes for agencies, and other related matters.

Section 12. Tennessee Code Annotated, Section 62-4-102, is amended by deleting item (12) in its entirety and by substituting instead the following:

(12) "School" means a school of cosmetology, including any public school conducting a vocational education program in the field of cosmetology;

Section 13. Tennessee Code Annotated, Section 62-4-124, is amended by adding the following language to the end thereto:

The "teaching of cosmetology" also shall not include instruction in new developments in cosmetology provided the instruction is conducted within cosmetology shops and only students or licensees are in attendance.

Section 14. Tennessee Code Annotated, Section 62-4-125(d)(2), is amended by adding the language "which holds a cosmetology, manicurist or aesthetician license" between the word "corporation" and the word "to".

Section 15. Tennessee Code Annotated, Section 53-11-301, is amended by deleting the language "not to exceed twenty dollars (\$20.00)".

Section 16. Tennessee Code Annotated, Section 53-14-104(b)(1), is amended by adding between "(\$30.00)" and "," the words "or in such other amount as set by the board".

Section 17. Tennessee Code Annotated, Section 53-14-107, is amended by adding between "(\$5.00)" and "." the words "or in such other amount as set by the board".

Section 18. Tennessee Code Annotated, Section 63-10-203(e)(1), is amended by deleting the language "during the previous year" and by substituting instead the

language "during the previous licensure cycle".

Section 19. Tennessee Code Annotated, Section 63-10-203(e), is amended by deleting item (2) in its entirety and by renumbering the remaining items accordingly.

Section 20. Tennessee Code Annotated, Section 63-10-210(b)(2), is amended by deleting the language "December 31 of each year" and by substituting instead the language "the end of the licensure cycle".

Section 21. Tennessee Code Annotated, Section 63-10-210, is amended by deleting subsection (g) in its entirety and by substituting instead the following:

(g) All registrations must be renewed on or before the end of the licensure cycle or such registration will become invalid. If a manufacturer, wholesaler, or distributor fails to renew this registration, such registration may be reinstated upon payment of the appropriate renewal fee plus a penalty fee as set by the board for each month or fraction thereof that payment for renewal is delayed. In the event such renewal is not procured within six (6) months from the date on which the last renewal of registration became delinquent, the board may refuse to issue the renewal certificate.

Section 22. Tennessee Code Annotated, Section 62-2-204, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) A quorum of the board shall consist of not less than five (5) members; except, however, for the purpose of formal disciplinary matters involving an architect, engineer, or landscape architect, at least one (1) board member from the respective profession shall be present.

Section 23. Tennessee Code Annotated, Title 62, Chapter 2, is amended by deleting the language "National Council of Engineering Examiners" whenever it appears and by substituting instead the language "National Council of Examiners for Engineering and Surveying".

Section 24. Tennessee Code Annotated, Section 62-2-401, is amended by deleting subdivisions (1), (2), and (3) in their entirety and by substituting instead the following:

(1) GRADUATION FROM APPROVED ENGINEERING CURRICULUM, EXPERIENCE, AND EXAMINATION. A graduate of an engineering curriculum of four (4) years or more, approved by the board as being of satisfactory

standing, and with a specific record of four (4) years or more of progressive experience, obtained after graduation, on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who has obtained certification as an engineer-in-training, shall be admitted to a minimum eight (8) hour written examination, prepared by the National Council of Examiners for Engineering and Surveying, in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(2) GRADUATION FROM APPROVED ENGINEERING RELATED CURRICULUM, EXPERIENCE AND EXAMINATION. A graduate of an engineering related science curriculum of four (4) years or more, approved by the board as being of satisfactory standing and of a nature sufficiently related to the engineering profession, and with a specific record of eight (8) years or more of progressive experience, obtained after graduation, on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering, and who has obtained certification as an engineer-in-training, shall be admitted to a minimum eight (8) hour written examination, prepared by the National Council of Examiners for Engineering and Surveying, in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

(3) LONG ESTABLISHED PRACTICE. A graduate of an approved engineering or related science curriculum of four (4) years or more, with a specific record of twelve (12) years or more of progressive experience, obtained after graduation, on engineering projects of a grade and character which indicates to the board that the applicant may be competent to practice engineering shall be admitted to a minimum eight (8) hour written examination, prepared by the National Council of Examiners for Engineering and Surveying, in the principles and practice of engineering. Upon passing such examination, the applicant shall be granted a certificate of registration to practice engineering in this state, provided he is otherwise qualified.

Section 25. Tennessee Code Annotated, Section 62-19-110(c), is amended by adding between "\$12.50)" and "per" the words "or in such other amount as set by the commission".

Section 26. Tennessee Code Annotated, Section 62-18-117, is amended by adding between "\$5.00" and "shall" the words "or in such other amount as set by the board".

Section 27. Tennessee Code Annotated, Section 62-35-107(d), is amended by deleting the language "of five hundred dollars (\$500)" and substituting instead the language "not to exceed one thousand dollars (\$1,000)".

Section 28. Tennessee Code Annotated, Section 68-50-207(a), is amended by deleting the language "not to exceed twenty-five dollars (\$25.00)".

Section 29. Tennessee Code Annotated, Section 63-1-103, is amended by deleting the language "of ten dollars (\$10.00)" and by substituting instead the language "as set by the division".

Section 30. Tennessee Code Annotated, Section 63-1-106(c), is amended by deleting the language "ten dollars (\$10.00) payable to" and by substituting instead the language "set by".

Section 31. Tennessee Code Annotated, Section 63-1-107(b)(2), is amended by deleting the language "which shall not exceed twenty dollars (\$20.00)".

Section 32. Tennessee Code Annotated, Section 63-1-107(d), is amended by deleting the language "the sum of fifty dollars (\$50.00)" and by substituting instead the language "a sum as set by the division".

Section 33. Tennessee Code Annotated, Section 63-1-118, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) The fee for this certificate shall be set by and paid to the board of the particular branch of the healing arts in which the applicant is licensed.

Section 34. Tennessee Code Annotated, Section 63-1-108, is amended by adding the following as new subsection (c) and by relettering the existing subsection (c) accordingly:

(c) For the purpose of effecting service of process upon a licensee, the division may notify the licensee by certified mail, return receipt requested, at the address on file with the division.

Section 35. Tennessee Code Annotated, Section 62-35-130(b), is amended by deleting the language and figures "not exceeding two thousand (\$2,000)" and by substituting instead the language "appropriate to the violation".



Section 36. Tennessee Code Annotated, Section 56-1-302, is amended by deleting subdivision (9) in its entirety. Section 56-1-302 is further amended by designating the Section (as amended) as subsection (a) thereof, and adding the following new language as subsection (b):

(b)(1) Notwithstanding any other provisions of the law to the contrary, not later than July 1, 1991, the director shall establish an alternative system of renewals of licenses issued by any regulatory board attached to the division of regulatory boards of the Department of Commerce and Insurance under Section 4-3-1304. Such system shall be designed to allow for the distribution of the renewal workload as uniformly as is practicable throughout the calendar year.

(2) Licenses issued under the alternative method are valid for twenty-four (24) months, and shall expire on the last day of the last month of the license period. However, during a transition period or at any time thereafter, the director, after consultation with the affected board(s), determines that the volume of work for any given interval is unduly burdensome or costly, either the licenses or renewals, or both of them, may be issued for terms of not less than six (6) months nor more than eighteen (18) months. The fee imposed for any license under the alternative interval method for a period of other than twenty-four (24) months shall be proportionate to the annual fee and modified in no other manner, except that the proportional fee shall be rounded off to the nearest quarter of a dollar (\$0.25).

(3) As used in this subsection, the term "license" shall be defined as in Section 4-5-102.

Section 37. Tennessee Code Annotated, Section 62-1-111(a), is amended by deleting subdivision (13) in its entirety and redesignating the remaining subdivisions accordingly.

Section 38. Tennessee Code Annotated, Section 62-2-309, is amended by deleting the text thereof in its entirety.

Section 39. Tennessee Code Annotated, Section 62-3-129, is amended by deleting the text thereof in its entirety and substituting instead the following:

(a) The board shall prescribe fees, late fees and penalties, pursuant to Title 4, Chapter 5, for all permits, certificates, and registrations issued pursuant to this chapter.

(b) (1) All certificates of registration for master barbers and barber instructors shall expire on September 1 annually.

(2) All certificates of registration for barber shops shall expire on March 16 annually.

(3) All certificates of registration for technicians shall expire annually on the licensee's date of birth.

(4) All certificates of registration for barber schools and colleges shall expire annually on the anniversary of the original date of licensure.

(5) All certificates of registration for master barbers, barber instructors, technicians, barber shops and barber schools or colleges may be renewed up until one (1) year from the expiration date of the certificate of registration upon the payment of the specified fees and penalties.

(c) (1) A certificate of registration for a master barber which has been expired for more than one (1) year but less than five (5) years may be reinstated upon payment of twice the fees which would have been collected for the timely and continuous renewal of such certificate. For the reinstatement of a certificate of registration for a master barber license which has been expired for more than five (5) years, a new application for examination and the examination fee shall be submitted. If successful, the applicant shall pay the specified license fee. The examination shall consist of a practical examination before the board. Such applicant shall not be required to meet the qualifications for a certificate of registration established in Tennessee Code Annotated, Section 62-3-110(b)(1)(B) and (C).

(2) For the reinstatement of a certificate of registration for a technician which has been expired for more than one (1) year, a new application and the examination fee shall be submitted. If successful, the applicant shall pay the specified license fee. The examination shall consist of a practical examination before the board. Such applicant shall not be required to meet the qualifications for a certificate of registration established in Tennessee Code Annotated, Section 62-3-110(a)(1).

(3) For the reinstatement of the certificate of registration for a barber instructor which has been expired for more than one (1) year, the applicant shall pay a fee of twice the amount which would have been collected for timely and continuous renewal of such certificate.

(4) For the reinstatement of the certificate of registration for a barber shop which has been expired for more than one (1) year, the applicant shall pay a fee of twice the amount which would have been collected for timely and continuous renewal of such certificate.

Section 40. Tennessee Code Annotated, Section 62-4-117, is amended by deleting the text thereof in its entirety and substituting instead the following:

(a) All cosmetologists, aesthetician, manicurist, and instructor licenses which bear an odd file number shall expire on September 1 of each odd-numbered year, and shall be invalid on that date unless renewed. All cosmetologist, aesthetician, manicurist, and instructor licenses which bear an even file number shall expire on September 1 of each even-numbered year, and shall be invalid on that date unless renewed.

(b) If the board is satisfied that the provisions of this chapter have been complied with, licenses may be renewed for another term upon completion and submission of the prescribed form, accompanied by the proper fee as set by the board.

(c) A penalty fee as set by the board will be assessed on any renewal application postmarked after the expiration date of the license.

(d) No renewal application will be accepted after September 30 following the license expiration date. If the application is mailed, the postmark of the United States Postal Service shall be considered the date of receipt by the board. However, the board may, in its discretion, reinstate a former licensee upon proper application accompanied by all past unpaid renewal fees, the fee for the current license period, and a penalty as set by the board. A license which has lapsed for three (3) years or longer shall not be reinstated, unless the applicant passes the state law and practical examination.

(e) Any person who holds, or applies and qualifies for, a cosmetology license on or before August 31, 1987, may practice both cosmetology and aesthetics for so long as such license (and any renewal thereof) remains valid.

(f) Any person who holds a manicurist/shampoo license may practice both manicuring and shampooing for so long as such license (and any renewal thereof) remains valid.

Section 41. Tennessee Code Annotated, Section 62-5-315, is amended by deleting subsection (e) in its entirety.

Section 42. Tennessee Code Annotated, Section 62-13-307, is amended by deleting the text thereof in its entirety and substituting instead the following:

All broker and affiliate broker licenses shall expire on December 31 of each even-numbered year, and shall be invalid on that date unless renewed. Such licenses may be renewed on or before the expiration date by remitting to the commission the fee as set by the commission.

Section 43. Tennessee Code Annotated, Section 62-18-114, is amended by deleting subsection (c) in its entirety and substituting instead the following:

(c) Certificates of registration shall be subject to late renewal for a period of one (1) year following their expiration date by payment of the renewal fee plus a penalty of three dollars (\$3.00) or in such other amount as set by the board, for each month or fraction thereof which elapses before payment is tendered. Any person wishing to renew his or her certificate later than one (1) year after its expiration date shall reapply for certification; provided however, that the board may, in its discretion, waive any further examination of such an applicant. Upon written request accompanied by the certificate of registration, any land surveyor may temporarily retire the certificate. The certification shall be reinstated upon written request of the surveyor. The temporary retirement and reinstatement of the retired certificate of registration shall be granted by the board without penalty.

Section 44. Tennessee Code Annotated, Section 62-19-111, is amended by deleting subsection (i) in its entirety and by substituting instead the following:

(i) All auctioneer, apprentice auctioneer, and firm licenses shall expire on June 30 of each odd-numbered year, and shall be invalid on that date unless renewed. Renewal of such licenses may be effected at any time during the months of May and June preceding the date of expiration by payment of the appropriate license fee as set by the commission.

Section 45. Tennessee Code Annotated, Section 62-20-112, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

(a) All licenses and identification cards shall expire on the December 31 following the date of issuance or renewal.

Section 46. Tennessee Code Annotated, Section 62-27-115, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) All company licenses and all polygraph examiner's licenses shall expire on December 31 following the date of issuance or renewal.

Section 47. Tennessee Code Annotated, Section 62-31-111, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) All licenses issued hereunder shall expire on June 30 of each odd-numbered year.

Section 48. Tennessee Code Annotated, Section 63-10-203, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) Every person registered as a pharmacist, who desires to continue in the practice of his profession, shall annually thereafter, on or before December 31, pay to the director a renewal fee in an amount set by the board, for which he shall receive a renewal certificate of registration.

Section 49. Tennessee Code Annotated, Section 63-10-203, is further amended by deleting subsection (g) in its entirety.

Section 50. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Scruggs moved that House Bill No. 1777 be reset to the Calendar for Monday, March 19, 1990, which motion prevailed.

Senate Bill No. 0957 -- Real Property -- Enacts Uniform Conservation Easement Law. Amends TCA, Title 66, Ch. 9.

Further consideration of Senate Bill No. 957, previously considered on March 12, 1990, at which time the bill was substituted for House Bill No. 174 and reset to the calendar for March 15, 1990.

Rep. Dixon moved that Senate Bill No. 957 be reset one week to the Calendar for Thursday, March 22, 1990, which motion prevailed.

House Bill No. 2370 -- Development Districts -- Permits certain municipal officials to vote by proxy on development district boards. Amends TCA 13-14-107.

Rep. Severance moved that House Bill No. 2370 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2370 by adding the following language to Section 1:

The provision allowing the designation of a proxy for voting purposes shall only apply to full-time mayors in counties having a population of over two hundred thousand (200,000).

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Severance moved that House Bill No. 2370, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	81
Noes. . . . .	9
Present and not voting. . . . .	6

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, Moody, Moore (Lawrence), Moore (Shelby), Napier, Nicelley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Ussery, Wheeler, Williams, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 81.

Representatives voting no were: Bragg, Callicott, Chiles, DeBerry, Henry (Roane), Naifeh, Sipes, West, Whitson -- 9.

Representatives present and not voting were: Givens, Henry (Putnam), Holcomb, Rhinehart, Turner, L. (Shelby), Winningham -- 6.

A motion to reconsider was tabled.

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 2370 and have this statement entered in the Journal.

Rep. Beth Halteman

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 2370 and have this statement entered in the Journal.

Rep. Gary Odom

REGULAR CALENDAR, CONTINUED

\*House Bill No. 2408 -- Private Investigators -- Establishes certain prohibitive acts for private investigators; permits investigation and disciplinary actions. Amends TCA, Title 62, Ch. 26, Pt. 1.

Rep. Cain moved that House Bill No. 2408 be passed on third and final consideration.

Rep. Cain moved to amend as follows:

Amendment No. 1

Amend House Bill No. 2408 by deleting the language thereof in its entirety and substituting instead the following new amendatory language:

Section 1. Tennessee Code Annotated, Title 62, Chapter 26, is amended by deleting the language thereof in its entirety and inserting the following new amendatory language.

Section 2. This chapter shall be known and may be cited as the "Private Investigators Licensing and Regulatory Act".

Section 3. As used in this chapter, unless the context otherwise requires:

(1) "Branch manager" means the individual who is immediately responsible for the operation of a branch office;

(2) "Branch office" means any office of an investigations company within this state other than its principal place of business within this state;

(3) "Commissioner" means the commissioner of commerce and insurance, or his designee;

(4) "Investigations company" means any person who engages in the business or accepts employment to obtain or furnish information with reference to:

(A) crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America;

(B) the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputations, or character of any person;

(C) the location, disposition, or recovery of lost or stolen property;

(D) the cause or responsibility for fires, libels, losses, accidents, damages or injuries to persons or to property; or

(E) the securing of evidence to be used before any court, board, commission, officer, or investigating committee.

(5) "Licensee" means any investigations company and private investigator licensed in accordance with the provisions of this chapter;

(6) "Person" means any individual, firm, association, company, partnership, corporation, non-profit organization, institution, or similar entity;

(7) "Principal corporate officer" means the chief executive officer, president, vice president, treasurer, secretary, or comptroller as well as any other responsible officer or executive employee who performs functions for the corporation corresponding to those performed by the foregoing officers;

(8) "Private investigator" means any person who performs one or more service as described in subsection (4) of this section;

(9) "Qualifying agent" means a principal corporate officer meeting the qualifications set forth in this chapter for operating an investigations company;



(10) "Identification card" means a pocket card issued by the commissioner evidencing that the holder has met the qualifications required by this chapter to perform the duties of a private investigator in this state;

(11) "Sworn peace officer" means any individual who derives plenary or special law enforcement powers (such as the power of arrest) from, and is an employee of, a federal, state, or local government agency or instrumentality.

Section 4. The provisions of this chapter do not apply to:

(1) A government officer or employee performing official duties;

(2) A consumer reporting agency, as defined by the Federal Fair Credit Reporting Act;

(3) An attorney-at-law, or his agent, performing duties relating to the attorney's practice of law.

(4) An insurance company, agent, broker, or adjustor performing investigative duties in connection with insurance business transacted;

(5) A holder of a purchase money security interest, or his agent, repossessing the personal property in which such interest is held;

(6) A private business employee conducting investigations relating to the internal affairs of such business;

(7) A full-time sworn peace officer receiving compensation for services as an investigator, guard, patrolman, or watchman under a contract with a private business.

Section 5.

(a) Except as otherwise provided in this chapter, it is unlawful for any person to act as an investigations company or private investigator, without first having obtained a license from the commissioner.

(b) However, all investigation companies and private investigators holding a license under Tennessee Code Annotated, Title 62, Chapter 26, repealed, shall continue in effect until their expiration. Holders of such licenses may thereafter

obtain the equivalent license under this chapter by complying with the terms and conditions for renewal prescribed herein.

(c) Every private investigator licensed hereunder shall maintain a place of business in this state at an investigations company which has been duly licensed by the commissioner.

(d) In the event an applicant for an investigation company license maintains more than one (1) place of business within the state, he shall apply for and obtain an additional investigations company license for each branch office.

Section 6:

(a) An application for an investigations company license shall be filed with the commissioner on the prescribed form. The application shall include:

(1) The full name and business address of the applicant; or

(A) If the applicant is a partnership, the name and address of each partner; or

(B) If the applicant is a corporation, the name and address of the qualifying agent;

(2) The name under which the applicant intends to do business;

(3) The address of the principal place of business and all branch offices of the applicant within this state;

(4) As to each individual applicant; or, if the applicant is a partnership, as to each partner; or, if the applicant is a corporation, as to the qualifying agent, the following information:

(A) Full name;

(B) Date and place of birth;

(C) All residences during the immediate past five (5) years;

(D) All employment or occupations engaged in during the immediate past five (5) years;

(E) Three (3) sets of classifiable fingerprints;

(F) Three (3) credit references from lending institutions or business firms with whom the subject has established a credit record; and

(G) A list of all convictions and pending charges of commission of a felony or misdemeanor in any jurisdiction;

(5) If the applicant is a corporation, the following information:

(A) The correct legal name of the corporation;

(B) The state and date of incorporation;

(C) The date the corporation qualified to do business in this state;

(D) The address of the corporate headquarters, if located outside of this state; and

(E) The names of two (2) principal corporate officers other than the qualifying agent, and the business address, residence address, and the office held by each in the corporation; and

(6) Such other information as the commissioner may reasonably require.

(b) The application shall be subscribed and sworn to:

(1) By the applicant, if the applicant is an individual;

(2) By each partner, if the applicant is a partnership; or

(3) By the qualifying agent, if the applicant is a corporation.

(c) Any individual signing the application must be at least twenty-one (21) years of age.

Section 7. Each individual applicant; or, if the applicant is a partnership, each partner; or, if the

applicant is a corporation, the qualifying agent, must:

(1) Be at least twenty-one (21) years of age;

(2) Be a citizen of the United States or a resident alien;

(3) Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has since declared him competent;

(4) Not be suffering from habitual drunkenness or narcotics addiction or dependence;

(5) Be of good moral character; and

(6)

(A) Possess at least three (3) years of experience as a manager, supervisor, or administrator with an investigations company; or

(B) Possess at least three (3) years experience satisfactory to the commissioner, with any federal, United States military, state, county, or municipal law enforcement agency; or

(C) Pass an examination to be administered at least twice annually by the commissioner, designed to measure knowledge and competence in the investigations company business.

Section 8. Each applicant for a private investigator license must:

(1) Be at least twenty-one (21) years of age;

(2) Be a citizen of the United States or a resident alien;

(3) Not have been declared by any court of competent jurisdiction incompetent by reason of mental defect or disease unless a court of competent jurisdiction has since declared him competent;

(4) Not be suffering from habitual drunkenness or narcotics addiction or dependence;

(5) Be of good moral character; and

(6)

(A) possess at least three (3) years of experience as a private investigator; or

(B) Possess at least three (3) years of experience satisfactory to the commissioner, with any federal, United States military, state, county, or municipal law enforcement agency; or

(C) Pass an examination to be administered at least twice annually by the commissioner, designed to measure knowledge and competence in the investigations field.

#### Section 9.

(a) Upon receipt of an application for a license, accompanied by a non-refundable, non-proratable application fee as set by the commissioner, for a license, the commissioner shall:

(1) Conduct an investigation to determine whether the statements made in the application are true;

(2) Compare, or request that the Tennessee bureau of investigation compare, the fingerprints submitted with the application to fingerprints filed with the Tennessee bureau of investigation; and

(3) Submit the fingerprints to the federal bureau of investigation for a search of its files to determine whether the individual fingerprinted has any recorded convictions.

(b) The commissioner shall issue a license, in a form which he shall prescribe, to qualified applicants upon receipt of a non-refundable, non-proratable fee in accordance with the schedule promulgated by the commissioner.

(c) If an application for a license is denied, the commissioner shall notify the applicant in writing and shall set forth the grounds for denial. If such grounds are subject to correction by the applicant, the notice of denial shall so state and specify a reasonable period of time within which the applicant must make the required correction.

(d) The commissioner shall issue with every private investigator license an identification card that shall contain at least the following information:

(1) Name;

(2) Photograph;

(3) Physical characteristics;

(4) Private investigator license number;

(5) Expiration date of license.

(e) The identification card shall be issued in a wallet-sized card and shall be permanently laminated.

(f) The identification card shall be carried on the person of the licensee when engaged in the activities of the licensee.

SECTION 10. Every license issued under this chapter shall be posted conspicuously in the licensee's principal place of business in this state.

SECTION 11. No license, issued under this chapter, shall be transferable or assignable.

#### SECTION 12.

(a) A license, or renewal thereof issued under this act, shall be valid for a period of two (2) years from the date of issuance. The commissioner shall provide each licensee with a renewal application form sixty (60) days prior to the expiration of the license.

(b) The fee for timely renewal of a license shall be in accordance with the schedule promulgated by the commissioner. A penalty fee as prescribed by the commissioner will be assessed on any renewal application postmarked after the expiration date of the license.

(c) No renewal application will be accepted more than thirty (30) days after the expiration date of the license.

#### SECTION 13.

(a) If the qualifying agent of a licensee ceases to perform his duties on a regular basis, the licensee shall:

(1) Within thirty (30) days, notify the commissioner by certified or registered mail; and

(2) Within three (3) months, obtain a substitute qualifying agent.

(b) The commissioner may, in his discretion, extend the period for obtaining a substitute qualifying agent for a reasonable time.

SECTION 14. A licensee shall notify the commissioner in writing within thirty (30) days of:

(1) Any change in the qualifying agent or principal corporate officers identified in its application for license;

(2) Any material change in the information previously furnished or required to be furnished to the commissioner; or

(3) Any occurrence which could reasonably be expected to affect the licensee's right to a license under this chapter.

SECTION 15.

(a) If the ownership of an investigations company changes, the new owner (if not already a licensee) may not operate that company more than thirty (30) days after the date of such change of ownership unless, within such thirty-day period, the new owner submits an application for a license. If such application is submitted, the new owner may continue to operate such company until the application has been finally determined by the commissioner.

(b) For good cause, the commissioner may extend the period for submitting an application pursuant to subsection (a) of this section for a reasonable time.

SECTION 16. All licensees, except private investigators that do not also hold an investigations company license, shall retain a certificate of insurance evidencing general liability coverage for the negligent act or acts of the principal insured or his agents operating in the course and scope of employment for bodily injury, personal injury, and property damage, with endorsements for personal injury, including false arrest, libel, slander, and invasion of privacy, in the minimum amount of three hundred thousand dollars (\$300,000) for bodily or personal injury and one hundred thousand dollars (\$100,000) for property damage. Such certificate shall be available for inspection during normal business hours on request of the commissioner or duly appointed and identified representative(s). The certificates shall provide that the insurance shall not be modified or cancelled without thirty (30) days prior notice to the commissioner. All persons required to be insured by this chapter must be insured by a carrier approved in the state in which the insurance has been purchased or in this state.

SECTION 17.

(a) The commissioner shall be responsible for administering and enforcing the provisions of this chapter.

(b) The commissioner may promulgate such rules as are reasonably necessary to effectuate the purposes of this chapter. All such rules shall be promulgated in accordance with the provisions of title 4, chapter 5.

(c) The commissioner shall, as authorized by § 4-5-205, appoint a committee of experts in the field of private investigations to advise him with respect to any contemplated rulemaking under this section. Such committee may make formal recommendations to the commissioner or the general assembly.

(d) The commissioner may seek relief at law or equity to restrain or enjoin any act or practice in violation of this chapter, or of any rule promulgated hereunder. Jurisdiction is conferred upon the chancery and circuit courts of this state to hear and determine such a suit. No bond shall be required for the prosecution of the suit or for the issuance of an injunction.

#### SECTION 18.

(a) The commissioner may suspend, revoke, or refuse to issue or renew, any license hereunder upon finding that the holder or applicant:

(1) Has violated any provision of this chapter, or any rule promulgated hereunder;

(2) Has practiced fraud, deceit, or misrepresentation;

(3) Has knowingly and willfully made a material misstatement in connection with an application for a license or renewal;

(4) Has been convicted by a court of competent jurisdiction of a felony or a misdemeanor, if the commissioner finds that such conviction reflects unfavorably on the fitness for such license; or

(5) Has committed any act which would have been cause for refusal to issue such license or registration card had it existed and been known to the commissioner at the time of issuance.

(b) In addition to or in lieu of any other lawful disciplinary action under this section, the



commissioner may assess a civil penalty not exceeding two thousand dollars (\$2,000).

(c) A license shall be subject to expiration and renewal during any period in which the license is suspended.

SECTION 19.

(a) No licensee or registrant shall be required to obtain any authorization, permit, or license from, or pay any other fee or post a bond in, any municipality, county, or other political subdivision of this state to engage in any business or activity regulated under this chapter.

(b) Notwithstanding subdivision (a), a municipality, county or other political subdivision of this state may impose a bona fide business tax.

SECTION 20. The commissioner may negotiate and enter into reciprocal agreements with appropriate officials in other states to permit licensed investigations companies and private investigators who meet or exceed the qualifications established in this chapter to operate across state lines under mutually acceptable terms.

SECTION 21. The commissioner shall provide a copy of this chapter and any rules promulgated hereunder as may be amended, to:

(1) Each licensee every two (2) years, at no charge; and

(2) Any other person, upon request, for such reasonable fee as the commissioner may fix.

SECTION 22. No individual licensed as an investigations company or a private investigator in Tennessee shall:

(1) In order to obtain employment, knowingly make a material misrepresentation as to his ability to perform the investigation required by a potential client.

(2) Make unsubstantiated monetary charges to a client for services not rendered or transportation not utilized.

(3) Knowingly make a false report to a client in relation to the investigation performed for such client.

(4) Continue an investigation for a client when

it becomes obvious to the investigator that a successful completion of an investigation is unlikely without first so advising the client and obtaining the client's approval for continuation of the investigation.

(5) Reveal information obtained for a client during an investigation to another individual, except as required by law.

SECTION 23. The provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, shall govern all matters and procedures respecting the hearing and judicial review of any contested case (as defined therein) arising under this chapter.

SECTION 24. Any person violating the provisions of this chapter, or any rule promulgated hereunder, shall be guilty of a misdemeanor.

SECTION 25. This act shall take effect July 1, 1990, for purpose of rulemaking, and for all other purposes, January 1, 1991.

On motion, Amendment No. 1 was adopted.

Having been moved to the heel of the amendments, Commerce Committee Amendment No. 1 was withdrawn by Rep. Rhinehart.

Thereupon, Rep. Cain moved that House Bill No. 2408, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**House Bill No. 2199 -- Utilities, Utility Districts --** Expands powers of utility management review board. Amends TCA, Title 7, Ch. 82.

On motion, House Bill No. 2199 was made to conform with Senate Bill No. 1808.

On motion, **Senate Bill No. 1808**, on same subject, was substituted for House Bill No. 2199.

Rep. Head moved that **Senate Bill No. 1808** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

**House Bill No. 2294 -- Hospitals and Health Care Facilities --** Ties interest charge for delinquent payment of assigned claims to maximum time price differential charge. Amends TCA 68-11-219.

Rep. Hubbard moved that House Bill No. 2294 be passed on third and final consideration.

Rep. Starnes moved adoption of General Welfare Committee Amendment No. 1 as follows:

**Amendment No. 1**

Amend House Bill No. 2294 by deleting from Section 1 the words "maximum time price differential as set out in Tennessee Code Annotated, Section 47-11-104(c);" and substituting in lieu thereof the following:

"one percent (1%) per month for an annual effective rate of interest of twelve percent (12%) per year;".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Hubbard moved that House Bill No. 2294, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	87
Noes. . . . .	6
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Blivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kernell, Kisher, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Odom, Peroulas, Phillips, Pinion, Pruitt, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton -- 87.

Representatives voting no were: Austin, Kent, Nuber, Rhinehart, Stamps, West -- 6.

Representatives present and not voting were: Moody -- 1.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from aye to no on House Bill No. 2294 and have this statement entered in the Journal.

Rep. Tom Wheeler

#### CHAIR TO DEBERRY

Mr. Speaker Murray relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 2167 -- State Government -- Revises law relative

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

to administration of property prior to agreement of sale. Amends TCA, Title 4, Ch. 15; Title 12, Ch. 2; Title 58, Ch. 1, Pt. 5.

On motion, House Bill No. 2167 was made to conform with Senate Bill No. 2224.

On motion, Senate Bill No. 2224, on same subject, was substituted for House Bill No. 2167.

Mr. Speaker Murray moved that Senate Bill No. 2224 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

Rep. Mr. Speaker Murray moved that Senate Bill No. 2224 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	95
Noes. . . . .	0

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 95.

A motion to reconsider was tabled.

\*House Bill No. 1766 -- Safety, Dept. of -- Requires department to compile and maintain a computerized driver license history data base and computerized registry of potential organ donors. Amends TCA, Titles 4, 49, 55, 68.

Rep. Bell moved that House Bill No. 1766 be reset to the Calendar for Monday, March 19, 1990, which motion prevailed.

#### CHAIR TO SPEAKER

Mr. Speaker Murray resumed the Chair.

REGULAR CALENDAR, CONTINUED

\*House Bill No. 1708 -- Evidence -- Removes exemption from subpoena to trial for certain persons. Amends TCA 24-9-101.

Rep. Buck moved that House Bill No. 1708 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	3

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Mr. Speaker Murray -- 88.

Representatives voting no were: Niceley, Shirley, Whitson -- 3.

A motion to reconsider was tabled.

House Bill No. 2539 -- Alcoholic Beverages -- Removes certain restrictions placed on urban park centers located in certain counties. Amends TCA, Title 57.

On motion, House Bill No. 2539 was made to conform with Senate Bill No. 2370.

On motion, Senate Bill No. 2370, on same subject, was substituted for House Bill No. 2539.

Rep. U. Jones moved that Senate Bill No. 2370 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	57
Noes. . . . .	32
Present and not voting. . . . .	3

Representatives voting aye were: Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burnett, Cain, Callicott, Chiles, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Head, Hillis, Holt,

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, Naifeh, Napier, Niceley, Nuber, Phillips, Pruitt, Purcell, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Starnes, Turner (Hamilton), Turner, L. (Shelby), Ussery, Wheeler, Williams, Winningham, Wix, Yelton, Mr. Speaker Murray -- 57.

Representatives voting no were: Anderson, Bragg, Burchfield, Byrd, Davis (Cocke), Davis (Gibson), Duer, Gunnels, Halteman, Harrill, Hassell, Haun, Henry (Putnam), Henry (Roane), Hobbs, Holcomb, Jackson, McAfee, McDaniel, Moore (Lawrence), Peroulas, Pinion, Ridgeway, Shirley, Sipes, Stallings, Stamps, Turner, C. (Shelby), West, Whitson, Wolfe, Wood -- 32.

Representatives present and not voting were: Givens, Good, Moore (Shelby) -- 3.

A motion to reconsider was tabled.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 2370 and have this statement entered in the Journal.

Rep. Ralph Cole

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from no to aye on Senate Bill No. 2370 and have this statement entered in the Journal.

Rep. Ben West, Jr.

#### REGULAR CALENDAR, CONTINUED

House Bill No. 2345 -- Health -- Enacts durable power of attorney for health care. Amends TCA, Title 34, Ch. 6.

Rep. Holcomb moved that House Bill No. 2345 be reset to the Calendar for Wednesday, March 21, 1990, which motion prevailed.

\*Senate Bill No. 0499 -- Children, Employment of -- Restricts number of hours of employment for minors attending school. Amends TCA 50-5-105.

Further consideration of Senate Bill No. 499, previously considered on May 17, 1989, at which time it was substituted for House Bill No. 365; Amendments Nos. 1, 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 were tabled; Amendment No. 7 was adopted; and the bill was

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

re-referred to the Calendar and Rules Committee. On March 14, 1990, the bill was placed on the Regular Calendar for March 15, 1990.

Rep. Burnett moved that Senate Bill No. 499 be passed on third and final consideration.

Rep. Naifeh moved that the House reconsider its action in adopting Amendment No. 7.

Rep. Moody objected to the motion to reconsider; he later withdrew his objection.

**Amendment No. 7**  
(adopted May 17, 1989)

Amend Senate Bill No. 499 by adding before the effective date section the following new section and by renumbering the effective date section accordingly:

SECTION \_\_\_\_ Tennessee Code Annotated, Section 50-5-105, is amended by adding the following new subsection:

(c) The provisions of subsection (b) shall not apply to any minor who maintains not less than a "B" average in the minor's core curriculum courses. Before such minor may be employed under the exemption established by this subsection, the minor's principal shall certify to the potential employer that the minor has the required average. If at the conclusion of a semester grading period, a minor, who is exempt under the provisions of this subsection, has failed to maintain the required average, the minor's principal shall so notify the minor's employer.

Rep. Burnett moved the previous question, which motion prevailed.

Rep. Burnett renewed his motion to reconsider adoption of Amendment No. 7, which motion prevailed. On motion, Amendment No. 7 was withdrawn.

Rep. Armstrong moved that Amendment No. 13 be withdrawn, which motion prevailed.

Rep. Bivens moved that Amendment No. 14 be withdrawn, which motion prevailed.

Rep. Bragg moved that Amendment No. 15 be withdrawn, which motion prevailed.

Rep. R. Jones moved that Amendment No. 16 be withdrawn, which motion prevailed.

Rep. R. Jones moved that Amendment No. 17 be withdrawn, which motion prevailed.



Rep. R. Jones moved that Amendment No. 18 be withdrawn, which motion prevailed.

Rep. R. Jones moved that Amendment No. 19 be withdrawn, which motion prevailed.

Rep. Stallings moved to amend as follows:

Amendment No. 20

Amend Senate Bill No. 499 by deleting all language of the bill following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 50-5-105, is amended by deleting subsection (b) in its entirety and by substituting instead the following language:

(b) A minor who is sixteen (16) or seventeen (17) years of age and is enrolled in school may not be employed:

(1) During those hours when the minor is required to attend classes, or

(2) Between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday evenings preceding a school day. Provided however, if the parents or guardians of the minor submit to the employer a signed and notarized statement of consent, then the minor may be employed between the hours of 10:00 p.m. and midnight, Sunday through Thursday evenings preceding a school day; provided further, however, under no circumstances shall such minor be employed between such hours on such evenings on more than three (3) occasions during any week. Each statement of consent shall be submitted to the employer on a carbonized form provided for such purpose by the department of labor. Upon accepting any such form, the employer shall promptly mail the carbon copy thereof to the commissioner of labor. Any such form shall remain valid until the end of the school year during which it is submitted or until termination of the minor's employment or until the minor reaches the age of majority, whichever shall first occur; and the original copy thereof shall be maintained for the period of its effectiveness by the employer at the location of the minor's employment. At any time, consent may be rescinded by submission to the employer of a statement of rescission, signed by the parents or guardians of the minor.

(c) If the department of labor discovers that an employer has violated the provisions of this section or has violated the provisions of Tennessee Code Annotated, Section 50-5-111, by failing to maintain the required file record, including an accurate time record showing the hours of a minor's beginning and ending of work each day, then the department shall promptly take appropriate actions to ensure imposition of the sanctions prescribed by Tennessee Code Annotated, Section 50-5-112.

SECTION 2. Tennessee Code Annotated, Section 50-5-111(1)(C), is amended by deleting the semi-colon ";", and by substituting instead the following:

" or Section 50-5-105;".

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect July 1, 1990, the public welfare requiring it.

Rep. Burnett moved the previous question, which was objected to. Thereupon, the previous question prevailed by the following vote:

Ayes	69
Noes	22
Present and not voting	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Buck, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Givens, Good, Halteman, Hassell, Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kisber, Love, McAfee, Moore (Lawrence), Moore (Shelby), Napier, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 69.

Representatives voting no were: Bragg, Burchfield, Chiles, Cole, Crain, DeBerry, Garrett, Gunnels, Harrill, Haun, Henry (Putnam), Henry (Roane), Jackson, Kent, McDaniel, Moody, Niceley, Peroulas, Robinson (Davidson), Scruggs, Sipes, Stamps -- 22.

Representatives present and not voting were: Kernell -- 1.

Thereupon, Rep. Stallings renewed the motion to adopt Amendment No. 20, which motion prevailed by the following vote:

Ayes	79
Noes	13

Representatives voting aye were: Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DePriest, Dixon, Duer, Gaia, Givens, Good, Halteman, Hassell, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, Moore (Lawrence), Moore (Shelby), Naifeh, Napier, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 79.

Representatives voting no were: Austin, Bragg, Cole, Garrett, Gunnels, Harrill, Haun, Head, Jackson, Moody, Niceley, Robinson (Davidson), Wix -- 13.

Rep. Henry (Roane) moved that Senate Bill No. 499 be re-referred to the Calendar and Rules Committee.

R.p. Burnett moved to table the motion to re-refer, which motion prevailed by the following vote:

Ayes	49
Noes	46

Representatives voting aye were: Bell, Bivens, Buck, Burnett, Cain, Callicott, Clark, Coffey, Collier, Curlee, Davidson, Davis (Cocke), DePriest, Dixon, Givens, Halteman, Henry (Putnam), Herron, Hillis, Holcomb, Holt, Hubbard, Huskey, Jones, R. (Shelby), Kernell, Love, McAfee, Moore (Lawrence), Moore (Shelby), Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Hamilton), Stallings, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turnery L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wood, Mr. Speaker Murray -- 49.

Representatives voting no were: Anderson, Armstrong, Austin, Bittle, Bragg, Burchfield, Byrd, Chiles, Cole, Copeland, Crain, Cross, Davis (Gibson), Davis (Knox), DeBerry, Duer, Gaia, Garrett, Good, Gunnels, Harrill, Hassell, Haun, Head, Henry (Roane), Hobbs, Jackson, Jones, U. (Shelby), Kent, Kisber, McDaniel, Moody, Naifeh, Niceley, Nuber, Peroulas, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stamps, Wheeler, Wix, Wolfe -- 46.

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

Rep. Burnett moved that Senate Bill No. 499 be reset to the Calendar for Monday, March 19, 1990, which motion prevailed.

**\*House Bill No. 1639 -- Criminal Offenses --** Revises provisions relative to unlawful disposal of rental property. Amends TCA 39-14-108.

On motion, House Bill No. 1639 was made to conform with Senate Bill No. 1801.

On motion, **Senate Bill No. 1801**, on same subject, was substituted for House Bill No. 1639.

Rep. Hubbard moved that Senate Bill No. 1801 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hubbard moved that Senate Bill No. 1801 be reset to the Calendar for Monday, March 19, 1990, which motion prevailed.

**MESSAGE FROM THE SENATE**  
**March 15, 1990**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1974; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 1974 -- Highways, Roads and Bridges --** Allows state and local governments to assist in highway crossing maintenance. Amends TCA, Title 65, Ch. 11.

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1650 -- Tort Liability --** Revises landowner's duty of care owed to players of certain adventure games. Same as \*SB 1733. Amends TCA 70-7-102, 103.

Rep. Gunnels moved that House Bill No. 1650 be passed on third and final consideration.

Rep. Gunnels moved to amend as follows:

**Amendment No. 1**

Amend House Bill No. 1650 by deleting the figure "7-7-103" in Section 2 and by substituting instead the figure "70-7-103".

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Gunnels moved that House Bill No. 1650, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	91
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 91.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 555 -- General Assembly, Studies --**  
Creates select joint committee to study issues relating to extension of statewide prosecutorial authority to attorney general.

Rep. Naifeh moved that House Joint Resolution No. 555 be adopted, which motion prevailed by the following vote:

Ayes. . . . .	90
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Harrill, Hassell, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 90.

Representatives present and not voting were: Haun -- 1.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0583** -- General Assembly, Studies -- Continues special joint committee to study conservatorships, guardianships and estates of incompetents created by HJR 131.

Rep. Turner (Hamilton) moved that **House Joint Resolution No. 583** be adopted, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 96.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0360** -- General Assembly, Studies -- Creates a joint study committee to study incompatible zoning around airports.

Rep. West moved that **House Joint Resolution No. 360** be adopted.

Rep. DeBerry moved to amend as follows:

**Amendment No. 1**

AMEND **House Joint Resolution No. 360** by deleting the last resolving clause and by substituting instead the following:

BE IT FURTHER RESOLVED, That the committee shall request input from representatives of air carrier airports, general aviation, the Tennessee Municipal League, Tennessee County Services Association, and the Tennessee Aeronautics Commission and shall timely report its findings and recommendations, including any proposed legislation, to the 1991 session of the Ninety-Seventh

General Assembly; and, upon reporting such findings and recommendations, the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Rep. West moved to amend as follows:

**Amendment No. 2**

Amend House Joint Resolution No. 360 by deleting in the final resolving clause the language "February 15, 1990" and by substituting instead the language "February 15, 1991".

On motion, Amendment No. 2 was adopted.

Thereupon, Rep. West moved that House Joint Resolution No. 360, as amended, be adopted, which motion prevailed by the following vote:

Ayes	78
Noes	10
Present and not voting	4

Representatives voting aye were: Anderson, Armstrong, Austin, Ball, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Gaia, Garrett, Givens, Good, Harrill, Hassell, Henry (Roane), Herron, Hillis, Hobbs, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, McDaniel, Moody, Moore (Lawrence), Naifeh, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), West, Wheeler, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 78.

Representatives voting no were: Bittle, Callicott, Chiles, Duer, Gunnels, Henry (Putnam), Moore (Shelby), Niceley, Nuber, Whitson -- 10.

Representatives present and not voting were: Haun, Head, Holcomb, Love -- 4.

A motion to reconsider was tabled.

\*House Bill No. 1623 -- Sunset Laws -- Terminates board of certification of water and wastewater operators. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 13.

Rep. Garrett moved that House Bill No. 1623 be passed on third and final consideration.

Rep. Garrett moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1623 by adding a new Section 2 and by renumbering the existing Section 2 accordingly:

SECTION 2. Tennessee Code Annotated, Section 4-29-211(a), is amended by adding a new item thereto, as follows:

( ) Water and wastewater operators, board of certification, created by § 68-13-905;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Garrett moved that House Bill No. 1623, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cooke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Haltman, Harrell, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Perboulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 94.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Joint Resolution No. 555 and have this statement entered in the Journal.

Rep. Beth Haltman



REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on House Joint Resolution No. 360 and have this statement entered in the Journal.

Rep. Beth Halteman

REGULAR CALENDAR, CONTINUED

House Bill No. 2043 -- Sunset Laws -- Extends termination date of public livestock market board. Amends TCA, Title 4, Ch. 29; Title 44, Ch. 12.

Rep. Garrett moved that House Bill No. 2043 be passed on third and final consideration.

Rep. Garrett moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 2043 by deleting Sections 1 and 2 in their entirety, by substituting instead the following new section, and by renumbering the remaining section accordingly:

SECTION \_\_\_\_ The department of agriculture shall prepare a report to be delivered to each member of the senate government operations committee and to the house government operations committee relative to the means by which the operations of the public livestock board can be effectively transferred to the department. Such report shall be delivered by February 1, 1991 in order for the senate and house government operations committees to have sufficient time to review and act upon the provisions of the report.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Garrett moved that House Bill No. 2043, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	96
Noes. . . . .	0

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam),

**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray  
-- 96.

A motion to reconsider was tabled.

**\*House Joint Resolution No. 0533 -- General Assembly, Studies --**  
Creates special joint committee to study fire and life safety codes as relate to multiunit low income housing for senior citizens.

Rep. Good moved that House Joint Resolution No. 533 be adopted.

Rep. DeBerry moved to amend as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 533 by deleting the language of the caption and by substituting instead the following:

**A RESOLUTION concerning fire safety.**

AND FURTHER AMEND by deleting the first sentence of the first resolving clause and by substituting instead the following:

BE IT RESOLVED BY THE NINETY-SIXTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That there is hereby created a special joint committee to study fire safety, such study to include but not necessarily be limited to examination of: fire codes; fire codes enforcement; fire safety regulation of nursing homes, schools, hotels, public housing units, apartment buildings, and other public facilities; firefighter training and education standards and competence; the relationship of state and local government on matters pertaining to fire safety; and other fire safety issues of concern to the citizens of this state.

AND FURTHER AMEND by adding the following resolving clause:

BE IT FURTHER RESOLVED, That the committee shall timely report its findings and recommendations, including any proposed legislation, to the 1991 session of the Ninety-Seventh General Assembly; and, upon reporting such findings and recommendations, the committee shall cease to exist.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Good moved that House Joint Resolution No. 533, as amended, be adopted, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Anderson, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yedon, Mr. Speaker Murray -- 92.

A motion to reconsider was tabled.

House Bill No. 2317 -- Claims Commission, Tennessee -- Expands type of cases which may be transferred from claims commission to trial court. Amends TCA 9-8-404.

On motion, House Bill No. 2317 was made to conform with Senate Bill No. 2018.

On motion, Senate Bill No. 2018, on same subject, was substituted for House Bill No. 2317.

Rep. Herron moved that Senate Bill No. 2018 be passed on third and final consideration.

Rep. Herron moved to amend as follows:

#### Amendment No. 1

Amend Senate Bill No. 2018 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_ Tennessee Code Annotated, Section 9-8-404(b) is further amended by inserting the following language after the first sentence:

Such transfers shall be limited to tort claims arising out of the same fact situation where much of the evidence to be presented would be admissible

against the State and one or more additional defendants. If such transferred claim is not consolidated for trial, the claim against the State shall be transferred back to the Claims Commission. If prior to the time of trial, all claims other than those against the State have been dismissed, settled or otherwise concluded, upon motion of the state the claim shall be transferred back to the Claims Commission.

Rep. Herron moved that Senate Bill No. 2018 be reset to the Calendar for Wednesday, March 21, 1990, which motion prevailed.

**House Bill No. 2192 -- Highways, Roads and Bridges --** Allows state and local governments to assist in highway crossing maintenance. Amends TCA, Title 65, Ch. 11.

On motion, House Bill No. 2192 was made to conform with Senate Bill No. 1974.

On motion, **Senate Bill No. 1974**, on same subject, was substituted for House Bill No. 2192.

Rep. Ridgeway moved that Senate Bill No. 1974 be passed on third and final consideration.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson (Davidson) withdrew Transportation Committee Amendment No. 2.

Rep. Ridgeway moved that Amendment No. 3 be withdrawn, which motion prevailed.

Rep. Ridgeway moved that **Senate Bill No. 1974** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore

(Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

#### CONSENT CALENDAR

House Joint Resolution No. 0702 -- Memorials, Congratulations -- Congratulates Velma Lewis on artistic accomplishments.

House Joint Resolution No. 0703 -- Memorials, Congratulations -- Congratulates Andrew Howsden on artistic accomplishments.

House Joint Resolution No. 0704 -- Memorials, Congratulations -- Congratulates Cherlene Generoso on artistic accomplishments.

House Joint Resolution No. 0705 -- Memorials, Congratulations -- Congratulates Tyson Held on artistic accomplishments.

House Joint Resolution No. 0706 -- Memorials, Congratulations -- Congratulates Jeremy Mackey on artistic accomplishments.

House Joint Resolution No. 0709 -- Memorials, Recognition -- Recognizes East Ridge Baptist Church.

House Joint Resolution No. 0710 -- Naming and Designating -- Designates March 1990 as Youth Art Month.

House Joint Resolution No. 0711 -- Memorials, Professional Achievement -- Honors Dennis Dycus on being recipient of Association of Government Accountants' Education and Training Award.

House Joint Resolution No. 0712 -- Memorials, Public Service -- Honors Comptroller William R. Snodgrass for his service to the state.

House Joint Resolution No. 0713 -- Memorials, Recognition -- Expresses appreciation to Association of Government Accountants.

House Joint Resolution No. 0714 -- Memorials, Interns and Pages -- Honors Philip Scott Anderson, 1990 legislative intern.

House Bill No. 2617 -- Weakley County -- Increases base salary of general sessions judge effective September 1, 1994. Amends Chapter 357, Private Acts of 1955.

House Bill No. 2618 -- Lewis County -- Prohibits certain landfills within five miles of Buffalo River.

**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

**House Bill No. 2619 -- Lawrence County -- Prohibits landfills within two miles of Buffalo River.**

**House Bill No. 2624 -- Hamblen County -- Abolishes juvenile court; transfers authority to general sessions court. Amends Chapter 235, Private Acts of 1947, as amended.**

**Senate Joint Resolution No. 0513 -- Memorials, Professional Achievement -- Commends Larry Carrier for development of Bristol International Raceway.**

**Senate Joint Resolution No. 0515 -- Memorials, Public Service -- Commends Ronald Isenberg for diligent community service.**

**Senate Joint Resolution No. 0516 -- Memorials, Personal Occasion -- Congratulates Alice and Terry Reid on fortieth anniversary.**

**Senate Joint Resolution No. 0523 -- Memorials, Retirement -- Honors Bergen Merrill, Jr. on his retirement from Memphis State University.**

**Senate Joint Resolution No. 0544 -- Memorials, Public Service -- Honors Catherine H. Kemp for service on State Board of Education.**

**Senate Joint Resolution No. 0545 -- Memorials, Public Service -- Honors S.L. "Kopie" Kopald, Jr. for service on State Board of Education.**

**Senate Joint Resolution No. 0546 -- Memorials, Public Service -- Honors Toy Franklin Reid for service on State Board of Education.**

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**Senate Joint Resolution No. 513 was objected to by Rep. Holcomb.**

Under the rules, Senate Joint Resolution No. 513 was placed at the foot of the calendar for Monday, March 19, 1990.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0
Present and not voting. . . . .	1

Representatives voting aye were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knex), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Good, Gunnels, Halteman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray -- 93.

Representatives present and not voting were: Givens -- 1.

A motion to reconsider was tabled.

#### MESSAGE CALENDAR

#### HOUSE ACTION ON SENATE AMENDMENTS

\*House Bill No. 0628 -- Drugs -- Permits confiscation of property for certain conduct relating to controlled substances. Amends TCA, Title 53, Ch. 11.

#### Senate Amendment No. 4

AMEND House Bill No. 628 by adding the following new subdivisions to subsection (g) of the amendatory language of Section 1 as such subsection is amended by House Amendment 1:

(3)

(A) If the court orders property owned by persons as tenants in common forfeited under this act to be sold, whether by a public official as provided in subdivision (1) of this subsection or by a person having an interest in the property as in subdivision (2) of this subsection, and there is a person or persons whose interest in such property has not been forfeited, such person or persons shall have the first right to purchase the forfeited interest in such property for its fair market value prior to the court ordered sale. In order to exercise the first right to purchase, such person or persons must petition for such a purchase at least fifteen (15) days before the court ordered sale is to be conducted. If such person or persons do not purchase the forfeited property, the sale shall be conducted as provided by law.

(B) For the purposes of this subdivision, "fair market value" shall be determined by taking an average of three (3) appraisals conducted by separate and qualified real estate appraisers selected by the court. Before any such purchase, the court shall approve the average of the appraisals for fair market value as reasonable.

(4) Notwithstanding the provisions of subdivision (3) to the contrary, if a court orders property forfeited under this act pursuant to subdivision (1) or (2) and the property is held through tenancy by the entirety and one spouse's interest is not forfeited, then such spouse shall have the first right to purchase the forfeited expectancy interest in the property. A spouse purchasing such forfeited property interest in such manner shall take the property subject to all bona fide liens on the property. In order to exercise the right of purchase, such spouse shall petition the court in which the forfeiture proceeding is pending for such a purchase at least fifteen (15) days prior to the court ordered sale. If such spouse does not purchase the forfeited expectancy interest, such spouse shall retain his or her interest subject to all bona fide liens and the forfeited expectancy interest shall be sold and the proceeds applied in the following manner:

(A) Reasonable expenses of the proceedings for forfeiture and sale including, but not limited to, expenses, seizure, maintenance of custody, advertising, and court cost; and

(B) The remaining proceeds shall be distributed as provided in subsection (h)(2).

(5) Notwithstanding the provisions of subdivision (3) to the contrary, if the property subject to forfeiture under this act is property owned by a married couple and such property is held solely in the name of the guilty spouse, upon sale of the property at a court ordered sale the proceeds of the sale shall be applied as follows:

(A) Satisfaction of all bona fide liens on the property;

(B)

(i) The innocent spouse shall receive an amount not to exceed the spouse's elective share, as defined in Tennessee Code Annotated, Section 31-4-101, of the total amount of proceeds received from the sale plus that amount provided for homestead under Tennessee Code Annotated, Section 30-2-209;



(ii) Reasonable expenses of the proceedings for forfeiture and sale including, but not limited to, expenses, seizure, maintenance of custody, advertising, and court cost; and

(iii) The remaining proceeds shall be distributed as provided in subsection (h)(2).

(6) Notwithstanding any other provision of this act to the contrary, the proceeds derived from the sale of property forfeited because it was acquired with the proceeds of a violation of title 39, chapter 17, part 4, shall be distributed solely as provided in subsection (h).

AND FURTHER AMEND by deleting in the amendatory language of subsection (a) of Section 1 the language "title 39, chapter 6, part 4", wherever it appears and by substituting instead the language "title 39, chapter 17, part 4,".

AND FURTHER AMEND in the amendatory language of subsection (e) of Section 1 by deleting the language "title 39, chapter 6, part 4," and by substituting instead the language "title 39, chapter 17, part 4,".

AND FURTHER AMEND in the amendatory language of subsection (j) of Section 1 by deleting the language "title 39, chapter 1, part 10," and by substituting instead the language "title 39, chapter 12, part 2,".

AND FURTHER AMEND in the amendatory language of subsection (k) of Section 1 by deleting the language "title 39, chapter 1, part 10," wherever it appears and by substituting instead the language "title 39, chapter 12, part 2,".

AND FURTHER AMEND in Section 3 by deleting the language "July 1, 1989" and by substituting instead the language "July 1, 1990".

#### **Senate Amendment No. 1 to Amendment No. 4**

Amend House Bill No. 628 by deleting from subdivision (5) added by Senate Judiciary Committee Amendment No. 4 all language following the words and punctuation "in the name of the guilty spouse," and by substituting instead the following:

the innocent spouse may petition the court, at least thirty (30) days prior to the court ordered forfeiture sale, to have the court vest the ownership of the property in the couple as tenants by the entirety and the innocent spouse shall have the same rights as provided in subdivision (4). If the petition is timely filed it shall be granted.

The filing of such petition shall act as a stay of any court ordered sale of such property and such stay shall remain in effect until the petition is disposed of.

If the innocent spouse does not petition the court to vest the property ownership in the couple as tenants by the entirety, then the property shall be forfeited and disposed of as provided by this act.

**Senate Amendment No. 2 to Amendment No. 4**

Amend House Bill No. 628 by deleting from subdivision (5) added by Senate Judiciary Committee Amendment No. 4 the language "owned by a married couple and such property is held solely in the name of the" and by substituting instead the language "titled solely in the name of a".

**Senate Amendment No. 5**

AMEND House Bill No. 628 by deleting subsection (h)(2) of the amendatory language of Section \_\_\_\_ of SECTION 1 and substituting instead the following:

(2) After the payment of liens and expenses as provided in subdivision (h)(1), the proceeds of a forfeiture sale shall be deposited into the state general fund.

FURTHER AMEND by deleting subsections (i) and (j) of the amendatory language of Section \_\_\_\_ of SECTION 1 in their entirety.

**Senate Amendment No. 1 to Amendment No. 5**

AMEND House Bill No. 628 by deleting all of the language of Senate Judiciary Committee Amendment No. 5 and substituting instead the following:

by deleting subdivision (h)(2)(B) of the amendatory language of Section \_\_\_\_ of SECTION 1 and substituting instead the following:

(B) Any proceeds received or produced as a result of the activities of a law enforcement agency of a local government shall be paid into the treasury of the respective local government. These proceeds may be appropriated by the local governmental body for any public purpose allowed by law. For purposes of this section "local government" shall mean a city,

county or county with a metropolitan form of government.

AND FURTHER AMEND by deleting the second sentence of subsection (i) of the amendatory language of Section \_\_\_\_ of SECTION 1.

**Senate Amendment No. 6**

Amend House Bill No. 628 by deleting from the first sentence of the amendatory language of subsection (a)(1) of Section \_\_\_\_ of SECTION 1 the words "or intended to be used".

**Senate Amendment No. 7**

Amend House Bill No. 628 by deleting from the amendatory language of the first sentence of subsection (a)(1) of Section \_\_\_\_ of SECTION 1 the words "or to actively facilitate either the commission of" and substituting instead the words "either".

**Senate Amendment No. 8**

AMEND House Bill No. 628 by deleting from the first sentence of subsection (a)(1) of the amendatory language of Section \_\_\_\_ of SECTION 1 the words "constitutes a felony" and substituting instead the words "results in a felony conviction".

**Senate Amendment No. 9**

AMEND House Bill No. 628 by deleting from the amendatory language of subsection (a)(3) of Section \_\_\_\_ of SECTION 1 the word "crime" and substituting instead the words "crime or crimes".

FURTHER AMEND by deleting from the amendatory language of subsection (a)(3) of Section \_\_\_\_ of SECTION 1 the letter and number "(a)(1)" and substituting instead the letter, number and words "subsections (a)(1) or (a)(2)".

**Senate Amendment No. 10**

Amend House Bill No. 628 by deleting from the amendatory language of the first sentence of subsection (d)(2) of Section \_\_\_\_ of SECTION 1 the word "conviction" both times it appears in such sentence and substituting instead the words "conviction or convictions".

Senate Amendment No. 11

AMEND House Bill No. 628 by deleting from the first sentence of subsection (c) of the amendatory language of Section\_\_\_ of SECTION 1 the words "chancery court" and substituting instead the words "circuit or chancery court".

FURTHER AMEND by deleting the fourth sentence of subsection (c) of the amendatory language of Section\_\_\_ of SECTION 1 in its entirety and substituting instead the following:

The rules of civil procedure shall apply to proceedings under this section and any named defendant may demand a jury trial in the appropriate circuit or chancery court.

FURTHER AMEND by deleting from the fourth sentence of subsection (d)(1) of the amendatory language of Section\_\_\_ of SECTION 1 the words "chancery court" and substituting instead the words "circuit or chancery court".

FURTHER AMEND by deleting from the third sentence of subsection (e)(3)(A) and the third sentence of subsection (e)(3)(B) of the amendatory language of Section\_\_\_ of SECTION 1 the words "chancery court" and substituting instead the words "circuit or chancery court".

Senate Amendment No. 13

Amend House Bill No. 628 by making the following changes in SECTION 1:

1. delete the words and punctuation "Title 39, Chapter 17, Part 4, which involves the commission of a felony and such violation involves amounts of controlled substances specified in subdivision (a)(2)" in subdivision (a)(1) and substitute instead the words "Sections 39-17-417(i) or 39-17-417(j)";

2. delete subdivision (a)(2) in its entirety and renumber the subsequent subsection accordingly;

3. delete in subdivision (d)(1) the language "by a preponderance of the evidence" and substitute instead the language "beyond a reasonable doubt";

4. delete in subdivision (d)(2) the language "by a preponderance of the evidence" and substitute instead the language "beyond a reasonable doubt".

Senate Amendment No. 14

AMEND House Bill No. 628 by deleting subsection (g)(3)(A) as added by Senate Judiciary Amendment No. 4 and by substituting instead the following:

(3)

(A) If the court orders a property interest in property owned as tenants in common forfeited under this act to be sold, whether by a public official as provided in subdivision (1) of this subsection or by a person having an interest in the property as in subdivision (2) of this subsection, the innocent spouse of a person whose property interest has been forfeited shall have the same right to such property interest as granted an innocent spouse in subdivision (4) or (5). If there is no spouse or if such spouse does not elect to pursue the rights provided in subdivision (4) or (5), then any other person or persons whose interest in such property has not been forfeited shall have the first right to purchase the forfeited interest for its fair market value prior to the court ordered sale. In order to exercise the first right to purchase, such person or persons must petition the appropriate circuit or chancery court at least fifteen (15) days prior to the date the court ordered sale is to be conducted. If such person or persons do not purchase the forfeited property, the sale shall be conducted as provided by law.

AND FURTHER AMEND BY adding the following language at the end of subsection (g)(4) as added by Senate Judiciary Amendment No. 4:

If a party possessing a security interest in property being held by an innocent spouse, institutes proceedings pursuant to its deed of trust or otherwise, that results in the foreclosure and sale of such property, such innocent spouse shall be entitled to receive from the first proceeds of such sale an amount equal to an elective share as provided in Tennessee Code Annotated, Section 31-4-101, subject to bona fide outstanding liens not satisfied by the remainder of the proceeds.

If the innocent spouse predeceases the other spouse, if there are the children of the innocent and guilty spouse, at least one (1) of which is eighteen (18) years of age or less on the date of such sale, and if the entity holding the right of expectancy is the state, then upon the sale of the property, one third (1/3) of the proceeds therefrom shall be allocated and divided equally among all the children, subject to all outstanding bona fide liens not satisfied by the remainder of the proceeds.

AND FURTHER AMEND BY adding to subsection (g)(5) as added by Senate Judiciary Amendment No. 4 the words "or titled in the name of the guilty spouse as tenants in common with any other person or persons" between the words "guilty spouse" and the punctuation and words ", the innocent spouse".

**Senate Amendment No. 15**

Amend House Bill No. 628 by adding to Section 1(e)(2) at the beginning of the subsection the language "Subject to the limitations of subsection (g)".

Rep. Naifeh moved that the House concur in Senate Amendment(s) No(s). 4 as amended, 5 as amended, 6, 8, 9, 10, 11, 13, 14 and 15, to House Bill No. 628.

Rep. Pinion moved the previous question on the concurrence motion, which motion failed by the following vote:

Ayes. . . . .	57
Noes. . . . .	31
Present and not voting. . . . .	2

Representatives voting aye were: Anderson, Austin, Bittle, Bivens, Bragg, Buck, Burchfield, Byrd, Clark, Coffey, Collier, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DePriest, Gaia, Garrett, Givens, Good, Halteman, Hassell, Henry (Roane), Herron, Hillis, Hubbard, Huskey, Kisber, Love, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Odom, Peroulas, Phillips, Pinion, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Turner, C. (Shelby), West, Wheeler, Whitson, Winningham, Wood, Yelton, Mr. Speaker Murray -- 57.

Representatives voting no were: Armstrong, Bell, Burnett, Cain, Callicott, Cole, Davis (Gibson), DeBerry, Dixon, Gunnels, Harrill, Haun, Head, Hobbs, Holcomb, Holt, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, King, McDaniel, Nuber, Pruitt, Robinson (Hamilton), Sipes, Stallings, Stamps, Turner, L. (Shelby), Williams, Wolfe -- 31.

Representatives present and not voting were: Kernell, Ussery -- 2.

Rep. Naifeh moved to reset the bill to the Message Calendar for Thursday, March 22, 1990, which motion prevailed.

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

UNFINISHED BUSINESS

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to Rule No. 59, the sponsor(s) gave notice of intent to consider the following measure(s) from the Senate on Monday, March 19, 1990:

House Bill No. 1654: Rep. Scruggs.

MESSAGE FROM THE SENATE  
March 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 534, 543 and 551; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0534 -- Memorials, Public Service -- Honors Tom Garland on service as Chancellor of Board of Regents.

Senate Joint Resolution No. 0543 -- Memorials, Recognition -- Honors Joe Webb, founder of Joe Webb Riding School.

Senate Joint Resolution No. 0551 -- Memorials, Retirement -- Honors George M. Pope upon retirement from State Farm Insurance.

RULES SUSPENDED

Rep. Scruggs moved that the rules be suspended for the purpose of introducing Senate Joint Resolution No. 534 out of order, which motion prevailed.

Senate Joint Resolution No. 0534 -- Memorials, Public Service -- Honors Tom Garland on service as Chancellor of Board of Regents.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Scruggs, the resolution was concurred in.

A motion to reconsider was tabled.

BILLS WITHDRAWN

On motion of Rep. McAfee, House Bill No. 1900 was recalled from the General Welfare Committee.

On motion of Rep. McAfee, House Bill No. 1900 was withdrawn from the House.

**RULES SUSPENDED**

The rules were suspended in Calendar and Rules this morning to hear House Bill No. 1722. The Committee placed it on the calendar for Monday night, March 19. Rep. Naifeh moved the House suspend the rules to accept the action of the Calendar and Rules Committee on this bill, which motion prevailed.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 360: Rep(s). Shirley added as prime sponsor(s).

House Bill No. 365: Rep(s). Stallings added as prime sponsor(s).

House Bill No. 1694: Rep(s). Kent added as prime sponsor(s).

House Bill No. 1712: Rep(s). C Turner (Shelby) added as prime sponsor(s).

House Bill No. 1766: Rep(s). Herron, Hobbs and Naifeh added as prime sponsor(s).

House Bill No. 1832: Rep(s). Burnett added as prime sponsor(s).

House Bill No. 2218: Rep(s). West added as prime sponsor(s).

House Bill No. 2479: Rep(s). Dixon added as prime sponsor(s).

House Bill No. 2565: Rep(s). Love added as prime sponsor(s).

**INTRODUCTION OF RESOLUTIONS**

\*House Resolution No. 0121 -- General Assembly, Studies -- Requests study on effects of slow moving traffic on highway safety. by \*Duer, \*Yelton, \*Robinson Robb.

The Speaker referred House Resolution No. 121 to the Transportation Committee.

House Resolution No. 0122 -- Memorials, Interns and Pages -- Commends Simone Renee Scott, 1990 legislative intern. -- Memorials, Interns and Pages -- by \*Turner L, \*Davidson, \*Winningham.

The Speaker referred House Resolution No. 122 to the Calendar and Rules Committee.

House Joint Resolution No. 0708 -- Naming and Designating -- Designates November 13 as Family Community Leadership Day. by



**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

**\*Hobbs, \*DePriest, \*Stallings, \*Gunnels, \*Bivens, \*Collier, \*Moore C, \*Bell, \*Winningham, \*Pinion, \*Murray, \*Davis Ray.**

**The Speaker referred House Joint Resolution No. 708 to the Calendar and Rules Committee.**

**House Joint Resolution No. 0715 -- Memorials, Public Service -- Honors Gravley Elementary School on adoption of Skip Springs Creek. -- Memorials, Public Service -- by \*Hubbard.**

**The Speaker referred House Joint Resolution No. 715 to the Calendar and Rules Committee.**

**House Joint Resolution No. 0716 -- Memorials, Sports -- Congratulates 1989 General Assembly Softball Team on championship season. -- Memorials, Sports -- by \*Burnett.**

**The Speaker referred House Joint Resolution No. 716 to the Calendar and Rules Committee.**

**INTRODUCTION OF BILLS**

**On motion, the following bills were introduced and passed first consideration.**

**House Bill No. 2634 -- Sumner County -- Enlarges power to guarantee bond issues by the Resource Authority. Amends Chapter 157, Private Acts of 1979, as amended. by \*Wix, \*Stamps.**

**Passed first consideration.**

**\*House Bill No. 2635 -- Utilities, Utility Districts -- Increases number of positions on board of commissioners for water utility districts in Carter County. Amends TCA 7-82-307. by \*Whitson, \*Cole.**

**Passed first consideration.**

**House Bill No. 2636 -- Lewis County -- Changes clerk of general sessions court from county clerk to clerk of circuit court. Amends Chapter 509, Private Acts of 1941, as amended. by \*Moore C.**

**Passed first consideration.**

**House Bill No. 2637 -- Hamilton County -- Allows certain employees to transfer to TCRS. Amends Chapter 557, Private Acts of 1939, as amended. by \*Starnes, \*McAfee, \*Robinson C B, \*Copeland, \*Wood, \*Turner B.**

**Passed first consideration.**

**House Bill No. 2638 -- Gibson County -- Provides for popular election of board of commissioners of utility district. Amends Chapter 192, Acts of 1953, as amended. by \*Davis Ray.**

**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

**Passed first consideration.**

**\*House Bill No. 2639 -- Utilities, Utility Districts -- Provides for popular election of board of commissioners of certain utility districts in Gibson County. Amends TCA, Title 7. by \*Davis Ray.**

**Passed first consideration.**

#### **HOUSE BILLS ON SECOND CONSIDERATION**

**On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted.**

**House Bill No. 2629 -- Huntingdon -- Passed second consideration and held on Clerk's desk pending approval by local delegation.**

**House Bill No. 2630 -- Gatlinburg -- Passed second consideration and held on Clerk's desk pending approval by local delegation.**

**\*House Bill No. 2631 -- Gas, Petroleum Products, Volatile Oils -- Passed second consideration and referred to the Conservation and Environment Committee.**

**House Bill No. 2632 -- Palmer -- Passed second consideration and held on Clerk's desk pending approval by local delegation.**

**House Bill No. 2633 -- Blount County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.**

#### **DELAYED BILLS REFERRED**

**Pursuant to Rule No. 78, House Bill(s) No(s). 2631 and 2635 was/were referred to the Delayed Bills Committee.**

#### **REPORT OF DELAYED BILLS COMMITTEE**

**March 15, 1990**

**Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2623.**

**Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.**

**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

**REPORT OF DELAYED BILLS COMMITTEE  
March 15, 1990**

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following general bill to be heard by the appropriate standing committee: House Bill No. 2625.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE  
March 15, 1990**

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following general bill to be heard by the appropriate standing committee: House Bill No. 2628.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE  
March 15, 1990**

Pursuant to Rule No. 78, we the undersigned members of the Delayed Bills Committee have approved the following general bill to be heard by the appropriate standing committee: House Bill No. 2631.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**REPORT OF DELAYED BILLS COMMITTEE  
March 15, 1990**

Pursuant to Rule No. 78, as suspended, having received the approval of the local delegation, we the undersigned members of the Delayed Bills Committee have approved the following general bill of local application to be heard by the appropriate standing committee: House Bill No. 2635.

Ed Murray, Speaker  
Jimmy Naifeh  
John Chiles, Jr.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES  
March 15, 1990**

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative

**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2630.

**REPORT OF COMMITTEE ON CALENDAR AND RULES  
CONSENT CALENDAR  
March 15, 1990**

**MR. SPEAKER:** The officers of your Calendar and Rules Committee beg leave to report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 19, 1990: House Resolution(s) No(s). 122; House Joint Resolution(s) No(s). 715 and 716; and House Bill(s) No(s). 2630.

PHILLIPS, Chairman.

**SIGNED  
March 15, 1990**

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1628, 1718, 1720, 1722, 1724, 1728, 1729, 1767, 1773, 1996, 2052, 2056, 2144, 2153, 2162, 2193, 2225, 2280, 2364, 2368, 2372, 2417, 2523 and 2546; also, Senate Joint Resolution(s) No(s). 476.

**MESSAGE FROM THE SENATE  
March 15, 1990**

**MR. SPEAKER:** I am directed to request the return of Senate Bill No. 1841, for further consideration.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
March 15, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution(s) No(s). 693; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE  
March 15, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill No. 1131.

The Speaker appointed a Conference Committee composed of Senators Crutchfield, Albright and Owen to confer with a like

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

Committee from the House to resolve the differences of the two bodies on House Bill No. 1131.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

March 15, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 399; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

March 15, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1746; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

March 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1799; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Bill No. 1799 -- Courts, Juvenile -- Clarifies that certain funds distributed to juvenile courts by the Tennessee commission on children and youth be distributed equally to all juvenile courts. Amends TCA 37-3-103.

MESSAGE FROM THE SENATE

March 15, 1990

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 680, 682, 683 and 684; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE

March 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 533; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0533 -- Memorials, Recognition -- Honors Knoxville Association of Life Underwriters.

MESSAGE FROM THE SENATE

March 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1999 and 2050; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Bill No. 1999 -- Workers' Compensation -- Extends time employee has to notify department of labor of court approved workers' compensation lump sum payment. Amends TCA 50-6-229.

\*Senate Bill No. 2050 -- Education -- Allows payroll deductions of dues for professional education associations at state special schools. Amends TCA 8-23-204.

ENGROSSED BILLS

March 15, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1708, 2294, 2370 and 2408; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 15, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2160, 2161, 2620 and 2621; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY**

**MESSAGE FROM THE GOVERNOR  
March 15, 1990**

**MR. SPEAKER:** I am directed by the Governor to return herewith: House Bill(s) No(s). 470, 800, 1799, 1849, 1919, 1922, 1936 and 2590; also, House Joint Resolution(s) No(s). 554, 562, 630, 631, 632, 634, 635, 636, 637, 639, 640, 641, 644, 646, 647, 649, 650 and 656; with his approval.

**DAVID H. WELLES,  
Counsel to the Governor.**

**MESSAGE FROM THE SENATE  
March 15, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 1862; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**ENGROSSED BILLS  
March 15, 1990**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1623, 1650, 2043, 2617, 2618, 2619 and 2624; also, House Joint Resolution(s) No(s). 360, 533, 555, 583, 702, 703, 704, 705, 706, 709, 710, 711, 712, 713 and 714; and find same correctly engrossed and ready for transmission to the Senate.

**BETTY KAY FRANCIS,  
Chief Engrossing Clerk.**

**MESSAGE FROM THE SENATE  
March 15, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 1920; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

**CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.**

**MESSAGE FROM THE SENATE  
March 15, 1990**

**MR. SPEAKER:** I am directed to return to the House, House Bill(s) No(s). 877; substituted for Senate Bill(s) on same

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

March 15, 1990

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2595; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

March 15, 1990

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bill(s) No(s). 2160, 2161, 2620 and 2621; also, House Joint Resolution(s) No(s). 680, 682, 683, 684 and 693; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

March 15, 1990

The Speaker announced that he had signed the following: House Bill(s) No(s). 2160, 2161, 2620 and 2621; also, House Joint Resolution(s) No(s). 680, 682, 683, 684 and 693.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

March 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1599, 1604, 1924, 2029, 2099, 2104, 2155, 2232, 2266, 2287 and 2300; also, Senate Joint Resolution(s) No(s). 510 and 511; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.



THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

MESSAGE FROM THE SENATE  
March 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 524, 527, 528, 529, 530, 531, 535, 536, 537, 538, 539, 540 and 548; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0524 -- Memorials, Congratulations  
-- Commends radio station WDIA for its No. 1 rated Blues Show.

Senate Joint Resolution No. 0527 -- Memorials, Condolence --  
Honors memory of Lillie Mae Lane Coleman.

Senate Joint Resolution No. 0528 -- Memorials, Condolence --  
Honors memory of Jack Massey.

Senate Joint Resolution No. 0529 -- Memorials, Public Service --  
Honors Mike Robertson on service as member of Claims Commission.

Senate Joint Resolution No. 0530 -- Memorials, Condolence --  
Expresses sorrow at death of Thomas Paschal Hamrick of Oak Ridge.

Senate Joint Resolution No. 0531 -- Memorials, Public Service --  
Honors Diane Wilde.

Senate Joint Resolution No. 0535 -- Memorials, Condolence --  
Honors memory of Henri Mae Berry-Hayes.

Senate Joint Resolution No. 0536 -- Memorials, Professional  
Achievement -- Honors Dr. Barbara A. Duncan-Cody.

Senate Joint Resolution No. 0537 -- Memorials, Condolence --  
Honors memory of Ann D. Lawrence Weathers.

Senate Joint Resolution No. 0538 -- Memorials, Public Service --  
Honors Edward McNeary for service to African American community.

Senate Joint Resolution No. 0539 -- Memorials, Professional  
Achievement -- Commends Arthur B. Hill for his achievements on New  
York City Police Department.

Senate Joint Resolution No. 0540 -- Memorials, Condolence --  
Honors memory of Representative Mickey Leland.

Senate Joint Resolution No. 0548 -- Memorials, Retirement --  
Congratulates Thomas M. Seale, Jr.

MESSAGE FROM THE SENATE  
March 15, 1990

MR. SPEAKER: I am directed to transmit to the House, Senate

THURSDAY, MARCH 15, 1990 -- SEVENTY-EIGHTH LEGISLATIVE DAY

Bill(s) No(s). 2332 and 2340; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

\*Senate Bill No. 2332 -- Highway Signs -- Provides for signs for Cypress Grove Park in Jackson.

\*Senate Bill No. 2340 -- Driver Licenses -- Denies driver license to high school dropouts; requires proof of school enrollment to obtain driver license. Amends TCA, Title 49, Ch. 6, Pt. 30; Title 55, Ch. 50.

MESSAGE FROM THE GOVERNOR  
March 15, 1990

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2242 and 2523, with his approval.

DAVID H. WELLES,  
Counsel to the Governor.

SIGNED  
March 15, 1990

The Speaker announced that he had signed the following: Senate Bill(s) No(s). 1599, 1804, 1924, 2029, 2099, 2104, 2155, 2232, 2266, 2287 and 2300; also, Senate Joint Resolution(s) No(s). 510 and 511.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 96

Representatives present were: Anderson, Armstrong, Austin, Bell, Bittle, Bivens, Bragg, Buck, Burchfield, Burnett, Byrd, Cain, Callicott, Chiles, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, DePriest, Dixon, Duer, Gaia, Garrett, Givens, Good, Gunnels, Haltzman, Harrill, Hassell, Haun, Head, Henry (Putnam), Henry (Roane), Herron, Hillis, Hobbs, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones, R. (Shelby), Jones, U. (Shelby), Kent, Kernell, King, Kisber, Love, McAfee, McDaniel, Moody, Moore (Lawrence), Moore (Shelby), Naifeh, Niceley, Nuber, Odom, Peroulas, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Sipes, Stallings, Stamps, Starnes, Turner (Hamilton), Turner, C. (Shelby), Turner, L. (Shelby), Ussery, West, Wheeler, Whitson, Williams, Winningham, Wix, Wolfe, Wood, Yelton, Mr. Speaker Murray

-- 96.